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 8 *Shirley N. Weber, in her official capacity as*  
*California Secretary of State*  
 9

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 12 WESTERN DIVISION  
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14 **CARL GORDON,**  
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 Plaintiff,  
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 v.  
 17 **GAVIN NEWSOM, in his official**  
**capacity as Governor of California;**  
 18 **SHIRLEY N. WEBER, in her official**  
**capacity as California Secretary of**  
 19 **State,**  
 20  
 Defendants.  
 21

2:25-cv-12427-SVW-MAA

**REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS COMPLAINT**

Date: April 6, 2026  
 Time: 1:30pm  
 Courtroom: 10A  
 Judge: Honorable Stephen V. Wilson  
 Action Filed: 12/31/2025  
 Amended Complaint filed: 1/20/2026

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**INTRODUCTION**

1  
2 Plaintiff’s claims suffer from numerous procedural and substantive defects  
3 and are wholly without merit, as detailed in Defendants’ motion to dismiss. As a  
4 threshold matter, Plaintiff’s entire complaint fails for lack of standing, a conclusion  
5 Plaintiff does not meaningfully dispute. Plaintiff also does not meaningfully rebut  
6 any of Defendants’ substantive arguments and instead argues that he has met the  
7 standards at the pleading stage which do not require him to “prove the entire  
8 constitutional theory.” But Plaintiff misunderstands Defendants’ arguments and the  
9 standards on a motion to dismiss. While Plaintiff is not required to “prove” a  
10 constitutional theory, dismissal is proper if there is a “lack of a cognizable legal  
11 theory or the absence of sufficient facts alleged under a cognizable legal theory.”  
12 *Conservation Force v. Salazar*, 646 F.3d 1240, 1242 (9th Cir. 2011). And, simply  
13 put, he fails to do so here for any of his claims. In addition, Plaintiff’s request for  
14 leave to amend his complaint should be rejected because he fails to identify even a  
15 single fact that he could further plead to fix his complaint.

16 The Court should dismiss the complaint without leave to amend.

**ARGUMENT**

**I. PLAINTIFF LACKS STANDING TO BRING HIS CLAIMS**

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19 Plaintiff fails to demonstrate that he has standing to bring his claims. His  
20 only factual allegation in this regard is that he was a “fee-paying prospective  
21 replacement candidate in the 2021 California gubernatorial recall election.” ECF  
22 No. 44 (“Opp’n”) at 10. But as Defendants argued in their motion to dismiss,  
23 “Plaintiff offers no explanation for how being a replacement candidate in an  
24 unrelated election that was completed years ago confers him standing to challenge  
25 election procedures in this current election.” ECF No. 37 (“Mot.”) at 20. In fact,  
26 Plaintiff himself asserts that the current case challenges the “distinct” framework of  
27 the “election administration and congressional districting beginning with the 2026  
28 election cycle.” Opp’n at 8. Accordingly, Plaintiff has not alleged a justiciable,

1 particularized injury that would confer standing. On this ground alone, Plaintiff’s  
2 complaint should be dismissed with prejudice.

3 **II. PLAINTIFF’S OTHER ARGUMENTS FAIL**

4 **A. Claim and Issue Preclusion**

5 Plaintiff argues that claim preclusion does not apply here because his current  
6 case challenges a “different election cycle.” Opp’n at 12. However, Plaintiff fails to  
7 acknowledge that in this case he *still* argues that Senate Bill No. 152, 2021 Stats.  
8 Ch. 34, (“SB 152”) is void—claims he made in his past lawsuits that were rejected  
9 by the courts. Further, Plaintiff’s arguments for the invalidity of current legislation  
10 related to Proposition 50 is based on the legislation “inherit[ing] the same  
11 constitutional defect” as SB 152. ECF No. 20 (“Compl.”) at 20. This demonstrates  
12 that his past claims “arise out of the same transactional nucleus of facts” as his  
13 current claim, which, accordingly, is precluded. *Mpoyo v. Litton Electro-Optical*  
14 *Sys.*, 430 F.3d 985, 987 (9th Cir. 2005).

15 Plaintiff also argues that issue preclusion does not apply. But Plaintiff’s exact  
16 issue of law—that Governor Newsom was “constitutionally disabled” from signing  
17 legislation under Article II, section 17 of the California Constitution and that  
18 Governor Newsom had an alleged conflict of interest due to ownership interest in  
19 the Plumpjack group —were litigated in *Gordon v. Newsom, et al.*, No. 21-cv-  
20 07270-FMO-MAR (C.D. Cal. 2021) and *Gordon v. Newsom*, No. 24-cv-6476-  
21 MRA-AS (C.D. Cal 2024).<sup>1</sup> Therefore, Defendants have satisfied issue preclusion’s  
22 requirement of “successive litigation of an issue of fact or law actually litigated.”  
23 *Taylor v. Sturgell*, 553 U.S. 880, 892 (2008). Accordingly, Plaintiff is barred from  
24 raising these issues again.

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27 <sup>1</sup> Plaintiff also argues that the judgment in this case is “being challenged as  
28 void,” presumably referring to a Rule 60(b)(4) motion to vacate the judgment he  
recently filed on the docket in that case. Opp’n at 13. That motion has now been  
denied. *See* Def.’s Third Req. for Jud. Notice (“RJN”) (filed concurrently), Ex. A.

1                   **B. Eleventh Amendment**

2                   Plaintiff’s thinly veiled attempt to avoid Eleventh Amendment immunity by  
3 painting his claims as seeking “prospective relief only,” *see* Opp’n at 13, cannot  
4 hide what this lawsuit really seeks—to overturn the result of the Proposition 50  
5 election. Plaintiff’s desired result of enjoining Defendants from administering the  
6 already-completed redistricting process resulting from the passage of Proposition  
7 50 would necessarily involve remedying past conduct. *See Coal. to Defend*  
8 *Affirmative Action v. Brown*, 674 F.3d 1128, 1134 (9th Cir. 2012). Accordingly, it  
9 is barred by the Eleventh Amendment.

10                  Further, Plaintiff’s attempt to recast his state law ultra vires claim as “part of  
11 a larger federal Supremacy Clause, preemption, and prospective-relief challenge”  
12 simply does not make sense and should be rejected. Plaintiff’s allegations in the  
13 complaint are simple: that Governor Newsom violated article V, section 10 and  
14 article II, section 17 of the California Constitution by purportedly having a conflict  
15 of interest and for being subject to a previous recall petition. Besides being  
16 completely wrong on the merits, these are purely state law claims that are barred  
17 under the Eleventh Amendment. *See Pennhurst State School & Hosp. v.*  
18 *Halderman*, 465 U.S. 89, 121 (“[A] claim that state officials violated state law in  
19 carrying out their official responsibilities is a claim against the State that is  
20 protected by the Eleventh Amendment.”).

21                   **C. Failure to State a Claim**

22                  While the Court can and should dispose of Plaintiff’s complaints on standing,  
23 preclusion, and Eleventh Amendment grounds, Plaintiff also does not meaningfully  
24 rebut Defendants’ arguments that each of his claims fails on the merits.

25                  Plaintiff does not meaningfully challenge Defendants’ arguments related to  
26 article II, section 17 of the California Constitution. Plaintiff argues that at the Rule  
27 12(b)(6) stage, the court does not evaluate “the ultimate correctness of competing  
28 constitutional interpretations.” Opp’n at 15. Plaintiff confuses the purpose of a

1 motion to dismiss, which expressly allows a court to decide if Plaintiff has brought  
2 forth a “cognizable legal theory.” *Conservation Force*, 646 F.3d at 1242. The  
3 “complaint must contain sufficient factual matter, accepted as true, to ‘state a claim  
4 to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)  
5 (*quoting Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Here,  
6 accepting all of Plaintiff’s plausibly plead allegations of fact as true, Plaintiff still  
7 cannot state a claim for ultra vires related to the Governor’s supposed constitutional  
8 disability.

9 Plaintiff also fails to meaningfully challenge Defendants’ arguments  
10 regarding article V, section 10 of the California Constitution. Opp’n at 16–17. Here,  
11 accepting all of Plaintiff’s plausibly plead allegations of fact as true, Plaintiff does  
12 not bring forward a legally cognizable theory of a conflict of interest that would  
13 prevent Governor Newsom from signing legislation. *See Conservation Force*, 646  
14 F.3d at 1242.

15 Plaintiff concedes that there is no standalone cause of action for a violation  
16 of the Supremacy Clause. Opp’n at 17–18. Accordingly, this claim should be  
17 dismissed with prejudice.

18 Finally, Plaintiff fails to meaningfully challenge Defendants’ arguments that  
19 Assembly Bill No. 2037, 2022 Stats. Ch. 155, (“AB 2037”) does not conflict with  
20 federal law. Plaintiff fails to identify a “cognizable legal theory” for how AB 2037,  
21 which states that a “polling place shall not be accessible by a door, window, or  
22 other opening to any place where any alcoholic beverage is sold or dispensed while  
23 the polls are open,” conflicts with 2 C.F.R. § 200.423, which simply states “[t]he  
24 cost of alcoholic beverages is unallowable.” Plaintiff’s unsupported assertion that  
25 this “substantial legal question” is sufficient at this stage is inadequate to state a  
26 claim where Plaintiff has identified no actual conflict between state and federal law.

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1           **III. PLAINTIFF’S COMPLAINT SHOULD BE DISMISSED WITH PREJUDICE AND**  
2           **WITHOUT LEAVE TO AMEND**

3           As noted throughout Defendants’ motion to dismiss and reply, Plaintiff’s  
4           claims suffer from numerous fundamental, irreparable legal defects. Plaintiff has  
5           had not just this lawsuit, but numerous previous lawsuits to test his theories, and  
6           has never articulated a claim upon which relief can be granted. Nor could he—even  
7           disregarding Plaintiff’s numerous procedural defects and the non-justiciability of  
8           the case, Plaintiff is simply wrong on the law in all his claims.

9           Plaintiff argues that dismissal with prejudice is inappropriate. For standing,  
10          Plaintiff argues that dismissal should not be with prejudice as “amendment may  
11          clarify additional factual allegations supporting jurisdiction.” Opp’n at 11. For the  
12          other arguments, Plaintiff also argues that he should be allowed to amend the  
13          complaint to add additional factual allegations. Yet, Plaintiff has not explained how  
14          he could allege additional facts to overcome the numerous defects in his complaint.  
15          *See Kendall v. Visa U.S.A., Inc.*, 518 F.3d 1042, 1052 (9th Cir. 2008) (“Appellants  
16          fail to state what additional facts they would plead if given leave to amend ....  
17          Accordingly, amendment would be futile.”); *Puri v. Khalsa*, 674 F. App’x 679, 684  
18          (9th Cir. 2017) (“Because the plaintiffs do not identify what additional facts they  
19          would plead if they were granted leave to amend, the court did not abuse its  
20          discretion by denying leave to amend.”); *Gardner v. Martino*, 563 F.3d 981, 991  
21          (9th Cir. 2009) (“[T]he district court did not abuse its discretion when it denied  
22          Appellants’ first request to amend the complaint because Appellants did not  
23          propose any new facts or legal theories for an amended complaint and therefore  
24          gave the Court no basis to allow an amendment.”). Dismissal without leave to  
25          amend is proper if it is clear that ‘allegation of other facts consistent with the  
26          challenged pleading could not possibly cure the deficiency.’” *Great Minds v. Off.*  
27          *Depot, Inc.*, 945 F.3d 1106, 1112 (9th Cir. 2019) (quoting *Montz v. Pilgrim Films*  
28

1 & *Television, Inc.*, 649 F.3d 975, 984 n.3 (9th Cir. 2011)). The Court should apply  
2 that principle here and dismiss Plaintiff's claims with prejudice.

3 **CONCLUSION**

4 For the foregoing reasons, the Court should dismiss the amended complaint  
5 in the entirety without leave to amend.

6 Dated: March 23, 2026

Respectfully submitted,

7  
8 ROB BONTA  
9 Attorney General of California  
TODD GRABARSKY  
Supervising Deputy Attorney General

10  
11 /s/Samuel Sokolsky  
12 SAMUEL SOKOLSKY  
13 Deputy Attorney General  
14 *Attorneys for Defendant Gavin*  
15 *Newsom, in his official capacity as*  
16 *Governor of California, and Shirley*  
17 *N. Weber, in her official capacity as*  
18 *California Secretary of State*  
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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendant Gavin Newsom, in his official capacity as Governor of California, and Shirley N. Weber, in her official capacity as California Secretary of State, certifies that this brief is 6 pages long, which:

   complies with the word limit of L.R. 11-6.1.

  X   complies with the page limit set by court order.

Dated: March 23, 2026

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
TODD GRABARSKY  
Supervising Deputy Attorney General

/s/Samuel Sokolsky  
SAMUEL SOKOLSKY  
Deputy Attorney General  
*Attorneys for Defendant Gavin Newsom, in his official capacity as Governor of California, and Shirley N. Weber, in her official capacity as California Secretary of State*

**DECLARATION OF SERVICE BY E-MAIL**

Case Name: ***Gordon, Carl v. Gavin Newsom, et al.***  
Case No.: **2:25-cv-12427**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older. My business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004. My electronic service address is Samuel.Sokolsky@doj.ca.gov.

On March 23, 2026, I served the attached

- **REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS COMPLAINT**
- **DEFENDANTS' THIRD REQUEST FOR JUDICIAL NOTICE** (with Exhibits A-C)

by transmitting a true copy via electronic mail, addressed as follows:

Carl Gordon  
University of the Hood  
8306 Wilshire Boulevard, No. 792  
Beverly Hills, CA 90211  
**E-mail Address:** universityofthehood@gmail.com  
*Pro Se*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 9, 2026, at San Francisco, California.

\_\_\_\_\_  
Samuel Sokolsky  
Declarant

\_\_\_\_\_  
/s/ Samuel Sokolsky  
Signature

SA2026300268  
45006266

1 ROB BONTA  
Attorney General of California  
2 TODD GRABARSKY  
Supervising Deputy Attorney General  
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7 *Attorneys for Defendant Gavin Newsom, in his  
official capacity as Governor of California,  
8 and Shirley N. Weber, in her official capacity  
as California Secretary of State*  
9

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION  
13

14 **CARL GORDON,**  
15  
16 Plaintiff,  
17  
18 **v.**  
19 **GAVIN NEWSOM, in his official  
capacity as Governor of California;  
SHIRLEY N. WEBER, in her official  
capacity as California Secretary of  
State,**  
20 Defendants.  
21  
22

2:25-cv-12427-SVW-MAA  
**DEFENDANTS' THIRD  
REQUEST FOR JUDICIAL  
NOTICE**  
Date: April 6, 2026  
Time: 1:30pm  
Courtroom: 10A  
Judge: Honorable Stephen V. Wilson  
Action Filed: 12/31/2025  
Amended Complaint filed: 1/20/2026

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1 Pursuant to Rule 201 of the Federal Rules of Evidence, Defendants Governor  
2 Gavin Newsom and Secretary of State Shirley N. Weber hereby request this Court  
3 take judicial notice of the following public records:

4 1. Order by Judge Fernando M. Olguin, filed on March 16, 2065, in  
5 *Gordon v. Newsom, et al.*, No. 2:21-cv-0720-FMO-MAR (C.D. Cal), a true and  
6 correct copy of which is attached as **Exhibit A** hereto;

7 2. “Notice Regarding Docket Entries Marked ‘Stricken’ and Request For  
8 Clarification,” filed by Plaintiff Carl Gordon on March 16, 2026, in *Gordon v.*  
9 *Newsom, et al.*, No. 2:21-cv-0720-FMO-MAR (C.D. Cal), a true and correct copy  
10 of which is attached as **Exhibit B** hereto; and

11 3. “Notice Of Motion and Motion for Reconsideration of the Court’s  
12 March 16, 2026 Order,” filed by Plaintiff Carl Gordon on March 17, 2026, in  
13 *Gordon v. Newsom, et al.*, No. 2:21-cv-0720-FMO-MAR (C.D. Cal), a true and  
14 correct copy (as served on the Attorney General) of which is attached as **Exhibit C**  
15 hereto.

16 Federal Rule of Evidence 201(b) states that “[t]he court may judicially notice  
17 a fact that is not subject to reasonable dispute because it: (1) is generally known  
18 within the trial court’s territorial jurisdiction; or (2) can be accurately and readily  
19 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R.  
20 Evid. 201(b). A court “must take judicial notice if a party requests it and the court is  
21 supplied with the necessary information.” *Id.* § 201(c)(2).

22 The exhibits to this request are documents filed in related state and federal  
23 proceedings. These documents are public records, are not materials subject to  
24 reasonable dispute, and are properly subject to judicial notice. *See Reyn’s Pasta*  
25 *Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (courts “may  
26 take judicial notice of court filings and other matters of public record.”).

1 For the reasons set forth above, Defendants respectfully request that the  
2 Court take judicial notice of the documents set forth above and attached as exhibits  
3 hereto.

4 Dated: March 23, 2026

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
TODD GRABARSKY  
Supervising Deputy Attorney General

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*/s/Samuel Sokolsky*  
\_\_\_\_\_  
SAMUEL SOKOLSKY  
Deputy Attorney General  
*Attorneys for Defendant Gavin  
Newsom, in his official capacity as  
Governor of California, and Shirley  
N. Weber, in her official capacity as  
California Secretary of State*

# EXHIBIT A

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CARL GORDON,	)	Case No. CV 21-7270 FMO (MARx)
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER RE: PENDING MOTIONS</b>
	)	
GAVIN NEWSOM, <u>et al.</u> ,	)	
	)	
Defendants.	)	
	)	
_____	)	

Having reviewed Carl Gordon’s (“plaintiff”) Motion to Vacate Judgment as Void (Dkt. 57, “Motion”), and other recent filings, the court concludes that oral argument is not necessary and orders as follows. See Fed. R. Civ. P. 78; Willis v. Pac. Mar. Ass’n, 244 F.3d 675, 684 n. 2 (9th Cir. 2001). Plaintiff is seeking to re-litigate matters that have been adjudicated. Indeed, the appeal in this case has already been completed. (See Dkt. 52, Ninth Circuit Memorandum); (Dkt. 54, Ninth Circuit Mandate). Accordingly, IT IS ORDERED THAT plaintiff’s Motion to Vacate Judgment as Void (**Document No. 57**) is hereby **stricken**. Plaintiff’s other recent filings (**Document Nos. 55, 58, & 61**) are also **stricken**. No further filings shall be submitted or accepted in this closed case.

Dated this 16th day of March, 2026.

\_\_\_\_\_  
/s/  
Fernando M. Olguin  
United States District Judge

# **EXHIBIT B**



1 **CARL GORDON**  
 2 **UNIVERSITY OF THE 'HOOD®**  
 3 8306 Wilshire Blvd., No. 792  
 4 Beverly Hills, CA 90211  
 5 Tel. (310) 289-8057  
 6 Email: universityofthehood@gmail.com  
 7 Plaintiff, Pro Per Carl Gordon

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**  
 10 **WESTERN DIVISION**

11 **CARL GORDON,**  
 12 **Plaintiff,**

13 vs.

14 Gavin Newsom, in his official capacity as  
 15 the Governor of the State of California;  
 16 Rob Bonta, in his official capacity as  
 17 Attorney General of the State of  
 18 California; Shirley N. Weber, in her  
 19 official capacity as Secretary of State of  
 20 the State of California; Steven J. Reyes,  
 21 in his official capacity as Chief Counsel  
 22 Office of the Secretary of State of the  
 23 State of California; and DOES 1 through  
 24 100,

25 **Defendants**

Case No.: 2:21-cv-07270-FMO-MAR

**NOTICE REGARDING DOCKET  
 ENTRIES MARKED "STRICKEN"  
 AND REQUEST FOR  
 CLARIFICATION**

Date: April 2, 2026  
 Time: 10:00 a.m.  
 Courtroom: 6D, 6th Floor  
 Judge: Honorable Fernando M. Olguin  
 Action Filed: 9/9/2021  
 Motion To Vacate Judgment Filed: 3/02/2026

1           **NOTICE REGARDING DOCKET ENTRIES MARKED “STRICKEN”**  
2           **AND REQUEST FOR CLARIFICATION**

3  
4 Plaintiff Carl Gordon, appearing pro se, respectfully files this Notice regarding  
5 several docket entries in the above-captioned matter that were recently marked  
6 “STRICKEN,” and respectfully requests clarification from the Court regarding  
7 the status of those filings.

8 On March 16, 2026, the docket reflects that several previously filed documents  
9 were modified and marked “STRICKEN,” including the following:

- 10 • Docket No. 57 – Plaintiff’s Notice of Motion and Motion to Vacate Judgment  
11 as Void pursuant to Federal Rule of Civil Procedure 60(b)(4);
- 12 • Docket No. 58 – Plaintiff’s Request for Judicial Notice in Support of the  
13 Motion to Vacate Judgment;
- 14 • Docket No. 55 – Plaintiff’s Notice of Supplemental Authority Regarding  
15 Structural Jurisdictional Error and Judicial Disqualification under 28 U.S.C. §  
16 455; and
- 17 • Docket No. 61 – Plaintiff’s Notice Regarding Prior Record Citations, Federal  
18 Referral Events, Individual-Capacity Claims, and Scope of Defendants’  
19 Appearance.

20 Each of the above entries reflects that the docket was “Modified on 3/16/2026,”  
21 and the documents are now designated “STRICKEN.”

22 Plaintiff respectfully notes that the docket does not presently reflect a minute  
23 order, clerk’s notice, or other order explaining the basis for striking these filings.  
24 Because Plaintiff’s Motion to Vacate Judgment under Federal Rule of Civil  
25 Procedure 60(b)(4) raises issues concerning the validity of the underlying  
26

1 judgment, Plaintiff respectfully requests clarification from the Court regarding  
2 the following:

- 3 1. Whether the docket entries referenced above were stricken by order of the  
4 Court or as an administrative modification by the Clerk's Office;
- 5 2. If the filings were stricken pursuant to a court order, the basis for the  
6 striking of the documents; and
- 7 3. Whether the Court requires Plaintiff to re-file the Rule 60(b)(4) motion and  
8 related materials in a different procedural format or with leave of court.

9 This Notice is submitted solely to clarify the status of the docket and to ensure  
10 that the Court's record accurately reflects the procedural posture of Plaintiff's  
11 Rule 60(b)(4) motion.

12 Plaintiff respectfully submits this Notice in good faith and in the interest of  
13 preserving a clear and accurate record.  
14

15 Dated: March 16, 2026

16 Respectfully submitted,

17 

18  
19 Carl Gordon  
20 Plaintiff, Pro Se  
21 8306 Wilshire Blvd., No. 792  
22 Beverly Hills, CA 90211  
23 universityofthehood@gmail.com  
24 (310) 926-3939  
25  
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28

**PROOF OF SERVICE;**

I, Mae Gordon, declare as follows:

1. I am employed in the City and County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My address is 1125 South Holt Avenue, Apt. 3, Los Angeles, California 90035.
2. On March 15, 2026, I served the following document:
3. Service was effected by electronic mail to the following recipients at the email addresses listed below: NOTICE REGARDING DOCKET ENTRIES MARKED "STRICKEN" AND REQUEST FOR CLARIFICATION

COURT COURTESY COPY TO THE HON. DOLLY M. GEE, CHIEF UNITED STATES DISTRICT JUDGE DEREK DAVIS  
DMG\_CHAMBERS@CACD.USCOURTS.GOV

COURT COURTESY COPY  
COURTROOM DEPUTY CLERK  
VANESSA FIGUEROA  
VANESSA\_FIGUEROA@CACD.USCOURTS.GOV

ATTORNEY GENERAL OF CALIFORNIA  
TODD GRABARSKY  
SUPERVISING DEPUTY ATTORNEY GENERAL  
[TODD.GRABARSKY@DOJ.CA.GOV](mailto:TODD.GRABARSKY@DOJ.CA.GOV)

SAMUEL E. SOKOLSKY  
DEPUTY ATTORNEY GENERAL  
STATE BAR NO. 348173  
455 GOLDEN GATE AVE, STE 11000, SAN FRANCISCO, CA 94102  
TELEPHONE: (415) 510-3584  
E-MAIL: [SAMUEL.SOKOLSKY@DOJ.CA.GOV](mailto:SAMUEL.SOKOLSKY@DOJ.CA.GOV)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON MARCH 15, 2026, AT LOS ANGELES, CALIFORNIA.

  
Mae Gordon

Pursuant to Fed. R. Civ. P. 5(b)(2)(E), counsel previously consented in writing to service by electronic mail.

# **EXHIBIT C**

1 **CARL GORDON**  
2 **UNIVERSITY OF THE 'HOOD®**  
3 8306 Wilshire Blvd., No. 792  
4 Beverly Hills, CA 90211  
5 Tel. (310) 289-8057  
6 Email: universityofthehood@gmail.com  
7 Plaintiff, Pro Per Carl Gordon

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **WESTERN DIVISION**

11 **CARL GORDON,**  
12 **Plaintiff,**

13 vs.

14 Gavin Newsom, in his official capacity as  
15 the Governor of the State of California;  
16 Rob Bonta, in his official capacity as  
17 Attorney General of the State of  
18 California; Shirley N. Weber, in her  
19 official capacity as Secretary of State of  
20 the State of California; Steven J. Reyes,  
21 in his official capacity as Chief Counsel  
22 Office of the Secretary of State of the  
23 State of California; and DOES 1 through  
24 100,

25 **Defendants**

Case No.: 2:21-cv-07270-FMO-MAR

**NOTICE OF MOTION AND  
MOTION FOR  
RECONSIDERATION OF THE  
COURT'S MARCH 16, 2026  
ORDER**

**(FED. R. CIV. P. 59(e); L.R. 7-18)**

**Hearing Date:** N/A

**Time:** N/A

**Courtroom:** N/A

**Judge:** Hon. Fernando M. Olguin

**Action Filed:** March 17, 2026

**Trial Date:** None Set

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1 **NOTICE OF MOTION AND MOTION FOR RECONSIDERATION**  
2 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that Plaintiff Carl Gordon hereby moves this Court,  
4 pursuant to Federal Rule of Civil Procedure 59(e), Local Rule 7-18 of the United  
5 States District Court for the Central District of California, and the Court's  
6 inherent authority, for reconsideration of the Court's March 16, 2026 Order.

7 This Motion seeks reconsideration of the Court's Order striking Plaintiff's  
8 Motion to Vacate Judgment as Void under Federal Rule of Civil Procedure  
9 60(b)(4), striking Plaintiff's supporting filings, and directing that no further  
10 filings be submitted or accepted in this case.

11 Plaintiff respectfully requests that the Court:

- 12 (1) Vacate the March 16, 2026 Order;
- 13 (2) Restore Plaintiff's stricken filings to the record, including the Rule 60(b)(4)  
14 motion and supporting notices;
- 15 (3) Adjudicate Plaintiff's Rule 60(b)(4) motion on the merits based on a complete  
16 and accurate record;
- 17 (4) Address the issue of judicial disqualification under 28 U.S.C. § 455 prior to  
18 any further substantive ruling; and
- 19 (5) Grant such other relief as the Court deems just and proper.

20 This Motion is based on this Notice of Motion, the accompanying Memorandum  
21 of Points and Authorities, the record in this action, and any other matters properly  
22 before the Court.  
23

24 This Motion is made following the Court's March 16, 2026 Order, which was  
25 entered prior to Plaintiff's reply deadline of March 19, 2026, and which did not  
26 address the substance of Plaintiff's Rule 60(b)(4) motion.  
27

1 Plaintiff respectfully submits that reconsideration is necessary to correct clear  
2 error and prevent manifest injustice, and to permit adjudication of whether the  
3 underlying judgment is void.

4 Plaintiff submits this motion for decision without oral argument pursuant to  
5 Local Rule 7-15.

6  
7 Dated: March 17, 2026

8 Respectfully submitted,

9 

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2  
3 **I. INTRODUCTION**

4 Plaintiff Carl Gordon respectfully moves for reconsideration of the Court’s order  
5 denying Plaintiff’s Motion to Vacate Judgment as Void under Federal Rule of  
6 Civil Procedure 60(b)(4).

7 Reconsideration is warranted because the Court’s order was entered on a  
8 materially inaccurate and incomplete record and without adjudicating the  
9 dispositive issue presented.

10 Plaintiff’s motion raised a single controlling question: whether the judgment is  
11 void due to structural defects in the proceedings, including the Court’s failure to  
12 adjudicate pending filings, its reliance on a non-existent “First Amended  
13 Complaint,” and its entry of judgment on a record that does not accurately reflect  
14 the pleadings before the Court.

15 Instead of addressing that dispositive issue, the Court adopted Defendants’ March  
16 12, 2026 “Preliminary Opposition to Plaintiff’s Motion to Vacate.” Neither the  
17 Federal Rules of Civil Procedure nor the Local Rules of this Court recognize or  
18 authorize such a filing. See Fed. R. Civ. P. 7(b); C.D. Cal. L.R. 7-9. Local Rule  
19 7-9 contemplates the filing of a single, complete opposition within the prescribed  
20 deadline—not a staged or partial opposition. Accordingly, Defendants’  
21 “Preliminary Opposition” is procedurally improper.

22 Nevertheless, the Court treated that filing as the operative opposition and adopted  
23 its materially incorrect characterization of Plaintiff’s motion as an attempt to  
24 relitigate the denial of leave to amend. That is not the issue presented under Rule  
25 60(b)(4). The Court’s reliance on that mischaracterization reflects a failure to  
26 adjudicate the motion actually before it.  
27

1 District Judge Fernando M. Olguin’s March 16, 2026 Order asserts that Plaintiff  
2 is “seeking to relitigate matters that have been adjudicated,” thereby improperly  
3 and materially reframing Plaintiff’s Rule 60(b)(4) motion as a Rule 15  
4 relitigation issue by adopting Defendants’ mischaracterization, rather than  
5 addressing the dispositive question of whether his June 29, 2022, July 18, 2022,  
6 and August 22, 2022 judgments in this case are void—and doing so by  
7 preempting Plaintiff’s imminent due process right to reply, which was due just  
8 three days later, on March 19, 2026.

9 The Court stated that it had “reviewed” Plaintiff’s Motion to Vacate Judgment as  
10 Void and other filings and determined that oral argument was unnecessary.

11 However, a statement of “review” does not cure the Court’s failure to apply the  
12 governing legal standard or to address the dispositive issue presented under Rule  
13 60(b)(4). Where the substance of the order reflects the adoption of an erroneous  
14 framework and the omission of any Rule 60(b)(4) analysis, the representation of  
15 “review” is contradicted by the record.  
16

17 Meaningful review of a Rule 60(b)(4) motion requires adjudication of the facts  
18 and application of the governing law to determine whether the judgment is void.  
19 The Court did not undertake that required analysis.

20 The Court further ruled before Plaintiff was afforded the opportunity to file a  
21 reply, which was due March 19, 2026, thereby depriving Plaintiff of the ability to  
22 correct Defendants’ misstatements and resulting in a decision based on an  
23 erroneous, materially inaccurate, and one-sided record.

24 Additionally, the Court proceeded to rule without addressing a pending issue of  
25 judicial disqualification under 28 U.S.C. § 455, despite Judge Olguin’s prior  
26 recusal in related Gordon v. Newsom proceedings. The striking of Plaintiff  
27 Gordon’s Notice of Judicial Disqualification (Dkt. 55) is contrary to governing  
28

1 law and irreconcilable with the Court’s prior recusal in related matters. A court  
2 may not evade its mandatory duty to determine disqualification by striking the  
3 very filing that raises it. This action violates Plaintiff’s constitutional rights to  
4 due process and to a fair and impartial adjudication. Accordingly, the failure to  
5 resolve disqualification before adjudicating the motion constitutes a structural  
6 defect in the proceedings.

7 These errors are not harmless. They strike at the core integrity of the adjudicative  
8 process and render the resulting order invalid.

9 Accordingly, reconsideration is required to ensure that Plaintiff’s  
10 Rule 60(b)(4) motion is adjudicated under the correct legal standard and on a  
11 complete and accurate record.

## 12 **II. PROCEDURAL TIMELINE**

13 The record reflects the following sequence of events:

14 December 9, 2021

15 The Office of Inspector General of the United States Election Assistance  
16 Commission (“EAC-OIG”) referred Plaintiff’s complaint to the United States  
17 Department of Justice and the Federal Bureau of Investigation.

18 December 20, 2021

19 Plaintiff notified the Office of the California Attorney General of the federal  
20 referral.

21 December 21, 2021

22 Plaintiff requested a meet and confer regarding taking the matter off calendar  
23 pending the federal referral.

24 December 28, 2021

25 Plaintiff filed a Second Request for Additional Time to Oppose Defendants’  
26 Motion to Dismiss to address issues arising from the federal referral.  
27

1 January 3, 2022

2 Plaintiff resubmitted that request.

3 January 5, 2022

4 The Court granted Plaintiff additional time.

5 February 16, 2022

6 Plaintiff filed his Opposition and expressly requested leave to amend and  
7 supplement under Rules 15(a)(2) and 15(d).

8 May 2, 2022

9 The Magistrate Judge issued a Report and Recommendation recommending  
10 dismissal.

11 June 2, 2022

12 Plaintiff filed Objections and a Request for Judicial Notice, again raising:

- 14 • leave to amend under Rule 15(a)(2)
- 15 • supplementation under Rule 15(d)
- 16 • issues relating to the federal referral

17 June 16, 2022

18 Defendants filed a response.

19 June 28, 2022

20 Plaintiff filed a submission addressing Defendants' response and the federal  
21 referral.

22 The Court had this filing in its possession before entering judgment.

23 June 29, 2022

24 The Court entered judgment dismissing the action.

25 The order stated that the Court conducted a de novo review and reviewed a "First  
26 Amended Complaint."

27 No First Amended Complaint was ever filed in this case.

1 June 30, 2022

2 Plaintiff filed a Notice of Appeal.

3 July 18, 2022

4 The District Court entered amended orders after the Notice of Appeal had already  
5 transferred jurisdiction to the Court of Appeals.

6 August 17, 2022

7 The Court of Appeals determined that the District Court lacked jurisdiction to  
8 enter the July 18 orders and remanded for the limited purpose of vacating those  
9 orders and reentering judgment after considering Plaintiff's June 28 filing.

10 August 22, 2022

11 The District Court entered a Second Amended Order.

12 That order again stated that the Court reviewed a "First Amended Complaint,"  
13 which does not exist on the docket.  
14

15 **III. SUPPLEMENTAL RECORD AND PROCEDURAL CLARIFICATION**

16 The March 8, 2024 Ninth Circuit memorandum and the May 6, 2024 mandate  
17 issued pursuant to Federal Rule of Appellate Procedure 41(a) confirm that  
18 appellate proceedings were conducted on the same materially defective record  
19 that underlies Plaintiff's Rule 60(b)(4) motion.

20 The district court's orders of June 29, July 18, and August 22, 2022 each relied  
21 on the existence of a "First Amended Complaint," although no such pleading  
22 exists on the docket. At the time those orders were entered, Plaintiff's Rule  
23 15(a)(2) and Rule 15(d) requests remained pending, including requests  
24 necessitated by post-filing events such as the December 2021 referral of  
25 Plaintiff's complaint by the Inspector General of the United States Election  
26 Assistance Commission to the Department of Justice and the Federal Bureau of  
27 Investigation.  
28

1 Because the Ninth Circuit did not address these defects and instead reviewed the  
2 case based on the record transmitted from the district court, the appellate  
3 proceedings did not cure the underlying due process violation.

4 Under Federal Rule of Appellate Procedure 10(a), the record on appeal consists  
5 of the original papers and exhibits filed in the district court and the docket  
6 entries. The absence of any First Amended Complaint from the docket confirms  
7 that the district court’s orders were based on a materially inaccurate description  
8 of the record.

9 The appellate process therefore carried forward the same defective record rather  
10 than validating the judgment.

#### 11 **IV. RULE 60(b)(4) IS NOT BARRED BY APPEAL**

12 A judgment is void where the court lacked jurisdiction or where the proceedings  
13 violated due process. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260,  
14 271 (2010). A void judgment is not merely erroneous—it is a legal nullity. *Id.* at  
15 270.

16 The Supreme Court has made clear that due process requires “notice reasonably  
17 calculated” and a meaningful opportunity to be heard before a court may deprive  
18 a party of rights. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306,  
19 314 (1950). Where that opportunity is denied, the resulting judgment is  
20 constitutionally infirm and void. See *Peralta v. Heights Medical Center, Inc.*, 485  
21 U.S. 80, 84–86 (1988) (judgment entered without meaningful opportunity to be  
22 heard violates due process and must be set aside).

23 The Ninth Circuit follows the same rule: a judgment is void if the rendering court  
24 lacked subject matter jurisdiction, personal jurisdiction, or acted in a manner  
25 inconsistent with due process of law. *In re Center Wholesale, Inc.*, 759 F.2d  
26 1440, 1448 (9th Cir. 1985); *Meadows v. Dominican Republic*, 817 F.2d 517, 521  
27

1 (9th Cir. 1987). Due process violations sufficient to render a judgment void  
2 include proceedings conducted on an incomplete or materially inaccurate record,  
3 or where a party is deprived of a full and fair opportunity to present their case.

4 A fundamental principle underlying Rule 60(b)(4) is that courts must operate  
5 within the bounds of lawful procedure. Where the process itself is defective, the  
6 judgment cannot stand. As the Ninth Circuit explained, “[a] void judgment is one  
7 which, from its inception, was a complete nullity and without legal effect.” *Watts*  
8 *v. Pinckney*, 752 F.2d 406, 409 (9th Cir. 1985).

9 Critically, Rule 60(b)(4) is not subject to the usual constraints of finality. Because  
10 a void judgment has no legal force, it may be attacked at any time. *Id.*; see also  
11 *Meadows*, 817 F.2d at 521 (no time limit bars a challenge to a void judgment).

12 This includes situations where an appeal has already occurred. The Ninth Circuit  
13 has expressly held that Rule 60(b)(4) relief remains available after appellate  
14 proceedings where the defect goes to the fundamental validity of the judgment  
15 itself. *Export Group v. Reef Industries, Inc.*, 54 F.3d 1466, 1469 (9th Cir. 1995).

16 Moreover, once a court determines that a judgment is void, it has no discretion to  
17 leave the judgment in place. Relief is mandatory. *Id.*; see also *Thomas P.*  
18 *Gonzalez Corp. v. Consejo Nacional de Produccion de Costa Rica*, 614 F.2d  
19 1247, 1256 (9th Cir. 1980) (void judgments must be vacated).

20 The Supreme Court has likewise emphasized that Rule 60(b)(4) enforces the  
21 “deep-rooted historic tradition that everyone should have his own day in court.”  
22 *Peralta*, 485 U.S. at 85. A judgment entered without that opportunity is  
23 incompatible with the Constitution and cannot be given effect.

24 In addition, the Ninth Circuit has recognized that a judgment entered without  
25 consideration of the full record or without allowing a party to present material  
26 arguments constitutes a denial of due process. See, e.g., *In re Roxford Foods*,  
27

1 Inc., 12 F.3d 875, 879–80 (9th Cir. 1993) (due process requires opportunity to  
2 present objections and be heard before adverse ruling).

3 Accordingly, where the record demonstrates that (1) the court acted on an  
4 incomplete or inaccurate docket, (2) material filings were not considered, (3) the  
5 court relied on documents that do not exist in the record, or (4) the party was  
6 deprived of the opportunity to respond before dispositive action was taken, the  
7 resulting judgment is void under Rule 60(b)(4) as a matter of law.

8 Under these controlling authorities, the issue before the Court is not whether the  
9 prior judgment was correct, but whether it was validly entered. Where  
10 jurisdictional defects and due process violations are present, the judgment is void  
11 ab initio and must be vacated.

12 **V. GOVERNING LAW: A VOID JUDGMENT UNDER RULE 60(b)(4)**

13 A judgment is void where the court lacked jurisdiction or where the proceedings  
14 violated due process. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260,  
15 271 (2010). A void judgment is not merely erroneous—it is a legal nullity. *Id.* at  
16 270.

17 Due process requires notice and a meaningful opportunity to be heard before a  
18 court may deprive a party of rights. *Mullane v. Central Hanover Bank & Trust*  
19 *Co.*, 339 U.S. 306, 314 (1950); *Peralta v. Heights Medical Center, Inc.*, 485 U.S.  
20 80, 84–86 (1988). The Ninth Circuit likewise holds that a judgment is void where  
21 the court acts in a manner inconsistent with due process or on a materially  
22 inaccurate or incomplete record. *In re Center Wholesale, Inc.*, 759 F.2d 1440,  
23 1448 (9th Cir. 1985); *Meadows v. Dominican Republic*, 817 F.2d 517, 521 (9th  
24 Cir. 1987).

25 A void judgment is a complete nullity and may be challenged at any time,  
26 including after appeal. *Watts v. Pinckney*, 752 F.2d 406, 409 (9th Cir. 1985);  
27

1 Export Group v. Reef Industries, Inc., 54 F.3d 1466, 1469 (9th Cir. 1995). Once  
2 voidness is established, vacatur is mandatory, not discretionary. Id.

3 The Court’s March 16, 2026, Order striking Plaintiff’s Rule 60(b)(4) motion and  
4 supporting filings did not merely manage the docket—it removed the core record  
5 and authorities necessary to adjudicate whether the judgment is void. The  
6 stricken filings included Plaintiff’s Request for Judicial Notice, Notice of  
7 Supplemental Authority, and Notice Regarding Prior Record Citations, each  
8 supplying the operative docket history, jurisdictional defects, and due process  
9 violations underlying the motion. By striking those filings, the Court eliminated  
10 the evidentiary and legal foundation required to resolve the motion on the merits.  
11 This directly implicates due process. While Rule 78 permits resolution without  
12 oral argument, it does not permit a court to disregard properly submitted filings  
13 or decide dispositive issues on an incomplete record. Where a court prevents  
14 consideration of material filings and then rules against the party whose  
15 submissions were excluded, the proceeding becomes constitutionally defective  
16 and the resulting judgment void.

17 Accordingly, reconsideration is required so that the Court may restore the  
18 stricken filings, consider the complete procedural record and governing authority,  
19 and adjudicate Plaintiff’s Rule 60(b)(4) motion on a full and accurate record as  
20 required by due process.

21  
22 **VI. STRUCTURAL DEFECT: JUDICIAL DISQUALIFICATION UNDER**  
23 **28 U.S.C. § 455 AND PRIOR SELF-RECUSAL**

24 Federal Rule of Civil Procedure 60(b)(4) requires vacatur where a judgment is  
25 entered in excess of jurisdiction or in violation of fundamental due process.

26 Judicial disqualification under 28 U.S.C. § 455 is a structural requirement that  
27 directly implicates the Court’s authority to adjudicate. Where impartiality may  
28

1 reasonably be questioned, the Court must disqualify itself, and failure to do so  
2 renders the resulting judgment constitutionally defective.

3 The Supreme Court has recognized that judicial disqualification errors may  
4 undermine the integrity of judicial proceedings and warrant vacatur of the  
5 resulting judgment to preserve public confidence in the judiciary and ensure  
6 fairness. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 864  
7 (1988). The Ninth Circuit likewise holds that violations of § 455 affecting  
8 judicial impartiality require vacatur to preserve the integrity of the judicial  
9 process. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1991).

10 The record establishes that judicial disqualification concerns were not  
11 hypothetical—they were documented and previously acted upon. As set forth in  
12 Plaintiff’s March 4, 2026, Notice of Supplemental Authority, Judge Fernando M.  
13 Olguin previously entered an order of self-recusal and reassignment in related  
14 Gordon litigation arising from the same underlying dispute. This prior recusal  
15 determination confirms that a reasonable observer could question the impartiality  
16 of proceedings involving the same parties, issues, and underlying conduct.

17 The record further reflects that Magistrate Judge Margo A. Rocconi likewise  
18 recused herself in related proceedings involving Plaintiff and the same dispute.

19 These coordinated recusals in related litigation are not isolated events; they  
20 demonstrate a consistent recognition within this District that impartiality  
21 concerns exist with respect to this matter.

22 Despite this established record, Plaintiff’s March 4, 2026, Notice of  
23 Supplemental Authority raising these § 455 issues in connection with the pending  
24 Rule 60(b)(4) motion was stricken in its entirety. Dkt. No. 55. By striking that  
25 filing, the Court removed from the record the submission that directly placed the  
26 judicial disqualification issue before it.  
27

1 This creates a structural defect. Rule 60(b)(4) requires that jurisdictional and  
2 structural issues—including judicial disqualification—be addressed before the  
3 Court may exercise authority to maintain or enforce a judgment. Where  
4 disqualification is required but not resolved, the Court acts without the full  
5 authority required to adjudicate, and the resulting judgment is void.

6 Accordingly, reconsideration is required so that the Court may restore Plaintiff’s  
7 March 4, 2026 Notice of Supplemental Authority to the record, address the § 455  
8 disqualification issue in light of the prior self-recusal and related recusals, and  
9 determine the validity of the judgment only after resolving these threshold  
10 structural defects.

11 **VII. THE AUGUST 22, 2022 ORDER IS VOID UNDER RULE 60(b)(4)**

12 The August 22, 2022 Order entered by Judge Fernando M. Olguin is void  
13 because it rests on a record that did not exist, was entered following proceedings  
14 conducted on an incomplete record, and reflects a fundamental breakdown of due  
15 process.

16 First, the August 22 Order expressly states that the Court reviewed a “First  
17 Amended Complaint.” No First Amended Complaint was ever filed in this case.  
18 The certified docket contains no such pleading. Under Federal Rule of Appellate  
19 Procedure 10, the record consists of materials filed in the district court. If a  
20 document is not on the docket, it is not part of the record. The Court’s reliance on  
21 a non-existent pleading establishes that the judgment rests on a materially  
22 inaccurate record.

23 This was not an isolated misstatement. The same reference to a “First Amended  
24 Complaint” appears in the June 29, 2022 judgment and again in the July 18, 2022  
25 amended orders. By the time of the August 22, 2022 Order, the repeated reliance  
26 on a non-existent pleading demonstrates that the defect was not clerical, but  
27

1 structural. A judgment premised on a pleading that does not exist in the record  
2 cannot stand.

3 Second, the August 22 Order confirms that the Court’s decision-making process  
4 was based on an incomplete record. Plaintiff filed a submission on June 28, 2022  
5 addressing Defendants’ response and the federal referral. The record reflects that  
6 the Court had that filing in its possession before entering judgment on June 29,  
7 2022. However, the August 22 Order acknowledges that the June 28 filing “was  
8 not processed” before judgment was entered. This establishes that the Court  
9 entered judgment without considering material filings that were already before it.  
10 Proceeding to judgment while material filings remain unprocessed and  
11 unconsidered is inconsistent with due process. A court may not resolve  
12 dispositive issues while disregarding filings properly submitted and in its  
13 possession. The subsequent August 22 Order did not cure this defect. Instead, it  
14 perpetuated it by again relying on the same defective record.  
15

16 Third, the August 22 Order reflects that Judge Fernando M. Olguin purported to  
17 conduct a de novo review of the record while relying on a pleading that does not  
18 exist. A true de novo review requires review of the actual record before the  
19 Court. Had such a review been conducted, it would have revealed that no First  
20 Amended Complaint had ever been filed. The assertion of de novo review,  
21 combined with reliance on a non-existent pleading, confirms that the review was  
22 conducted on a fundamentally flawed record.

23 Fourth, the August 22 Order must be viewed in the context of the jurisdictional  
24 defect identified by the Court of Appeals. After Plaintiff filed a Notice of Appeal  
25 on June 30, 2022, jurisdiction transferred to the Ninth Circuit. The District Court  
26 nonetheless entered amended orders on July 18, 2022. On August 17, 2022, the  
27 Court of Appeals held that the District Court lacked jurisdiction to enter those  
28

1 orders and remanded for the limited purpose of vacating them and reentering  
2 judgment after considering Plaintiff's June 28 filing. The August 22 Order was  
3 entered on remand for that limited purpose.

4 However, the August 22 Order demonstrates that the District Court did not cure  
5 the underlying defects. It again relied on a non-existent First Amended Complaint  
6 and again reflects a process in which Plaintiff's June 28 filing had not been  
7 properly incorporated into the record considered by the Court. Thus, even after  
8 remand, the judgment was reentered on a defective and inaccurate record.

9 These defects are not matters of legal error; they go to the validity of the  
10 proceedings themselves. A judgment entered on a record that does not exist,  
11 without consideration of material filings in the Court's possession, and based on  
12 a purported review that could not have occurred, constitutes a denial of due  
13 process.  
14

#### 15 **VIII. AUTHORITY TO FILE THIS MOTION**

16 This motion is authorized by Federal Rule of Civil Procedure 59(e) and Central  
17 District of California Local Rule 7-18, which expressly permit a party to seek  
18 reconsideration of an order.

19 Although the Court's March 16, 2026 Order states that no further filings shall be  
20 submitted or accepted in this closed case, the Federal Rules of Civil Procedure  
21 and Local Rule 7-18 provide an independent procedural basis for seeking  
22 reconsideration of that Order.

23 Federal courts also possess inherent authority to reconsider their own orders. See  
24 *City of Los Angeles v. Santa Monica Baykeeper*, 254 F.3d 882, 887 (9th Cir.  
25 2001).

26 Accordingly, this motion is properly submitted for filing notwithstanding the  
27 language of the March 16, 2026 Order.  
28

1 **IX. PROCEDURAL BACKGROUND**

2 On March 2, 2026, Plaintiff filed a Motion to Vacate Judgment as Void pursuant  
3 to Federal Rule of Civil Procedure 60(b)(4).

4 On March 16, 2026, the Court entered an order striking Plaintiff’s Rule 60(b)(4)  
5 motion and related filings and directing that no further filings be accepted in the  
6 case.

7 The Court did not address the substance of Plaintiff’s Rule 60(b)(4) motion.

8 **X. LEGAL STANDARD**

9 Under Local Rule 7-18, reconsideration may be granted where the Court has  
10 failed to consider material facts or dispositive legal arguments that were  
11 presented.

12 Reconsideration is also appropriate under Federal Rule of Civil Procedure 59(e)  
13 to correct clear error or prevent manifest injustice.

14 **XI. ARGUMENT**

15 **A. The Court Did Not Address the Rule 60(b)(4) Issue**

16 Plaintiff’s motion raised a threshold question: whether the judgment in this action  
17 is void under Federal Rule of Civil Procedure 60(b)(4). The Court’s March 16,  
18 2026 Order struck the motion without addressing that issue. Because Rule  
19 60(b)(4) concerns the validity of the judgment itself, the issue is distinct from the  
20 merits of previously adjudicated claims.  
21

22 **B. Rule 60(b)(4) Motions May Be Raised At Any Time**

23 A motion under Rule 60(b)(4) is not subject to ordinary time limitations. The  
24 Ninth Circuit has held that there is no time limit for bringing a motion to set aside  
25 a judgment as void. See *United States v. Berke*, 170 F.3d 882, 883 (9th Cir.  
26 1999). Accordingly, the closure of the case does not preclude consideration of  
27 whether the judgment is void.  
28

1 C. The March 16, 2026 Order Prevents Adjudication of a Void-Judgment  
2 Challenge

3 By striking the Rule 60(b)(4) motion, striking the supporting filings, and  
4 directing that no further filings be accepted, the Court prevented adjudication of  
5 whether the judgment is void. Because voidness is a threshold issue and a void  
6 judgment is a legal nullity, that question cannot be foreclosed by case closure or  
7 filing restrictions.

8 D. Reconsideration Is Necessary to Preserve the Record and Restore the Basis for  
9 Adjudication

10 Plaintiff respectfully submits this motion to preserve the procedural record and to  
11 ensure that the Rule 60(b)(4) issue is properly presented for review.

12 Reconsideration is necessary so that the Court may restore the stricken filings,  
13 consider the full procedural history and governing authority, and adjudicate the  
14 Rule 60(b)(4) motion on its merits.

15 **XII. RULE 60(b)(4) — THE JUDGMENT IS VOID**

16 **A. The August 22, 2022 Order Is the Operative Judgment and Controls the**  
17 **Analysis**

18 The August 22, 2022 Second Amended Order is the operative order following  
19 remand and therefore controls the Rule 60(b)(4) analysis.

20 **B. The Court Admitted That Judgment Was Entered Before the Record Was**  
21 **Complete**

22 In the August 22, 2022 Second Amended Order, the Court acknowledged that  
23 Plaintiff’s June 28, 2022 submission had been received prior to the entry of  
24 judgment but “was not processed until the Court had already considered and  
25 issued the judgment dismissing the action.”  
26  
27

1 The order therefore confirms that judgment was entered before Plaintiff’s  
2 submission had been incorporated into the record that the Court reviewed.

3 **C. The Court Repeatedly Relied on a “First Amended Complaint” That**  
4 **Does Not Exist**

5 Despite this procedural sequence, the Court repeatedly stated—across the June  
6 29, 2022 judgment, the July 18, 2022 amended judgment, and the August 22,  
7 2022 second amended judgment—that it had conducted a de novo review and had  
8 reviewed a “First Amended Complaint.”

9 No First Amended Complaint was ever filed in this action.

10 A single isolated reference might be attributable to typographical error or  
11 imprecision. However, repeated references to a “First Amended Complaint”  
12 across multiple orders—including the operative August 22 Order—establish that  
13 the Court’s ruling was based on a consistent description of the record that does  
14 not correspond to the actual docket.

15 This is not a single stray reference; it is a repeated description of the record that is  
16 inconsistent with the certified docket.

17 **D. The Certified Docket Confirms That No First Amended Complaint Exists**

18 The certified docket establishes that:

- 19
- 20 • no First Amended Complaint was ever filed in this case;
  - 21 • no such pleading appears anywhere on the docket;

22 The certified docket is the official record of filings maintained by the Court and  
23 constitutes the authoritative source for determining what materials are part of the  
24 record.

25 If a document does not appear on the docket, it is not part of the record.  
26  
27

1 **E. The Court’s Description of the Record Cannot Be Reconciled With the**  
2 **Docket**

3 The Court’s repeated references to a “First Amended Complaint”—a pleading  
4 that does not exist on the certified docket—cannot be reconciled with the actual  
5 record.

6 The repeated identification of a “First Amended Complaint” that does not exist  
7 on the docket confirms that the judgment rests on a record that was not before the  
8 Court.

9 **F. The Court’s Assertion of De Novo Review Is Incompatible With the**  
10 **Record**

11 The August 22 Order states that the Court conducted a de novo review of the  
12 record.

13 However:

- 14
- 15 • no First Amended Complaint exists in the record;
  - 16 • Plaintiff’s June 28 filing was not part of the record at the time of judgment;

17 A de novo review requires review of the actual record before the Court. A de  
18 novo review cannot include review of a pleading that does not exist on the  
19 docket.

20 **G. The Judgment Was Entered on an Incomplete and Inaccurate Record**

21 The August 22 Order confirms that:

- 22
- 23 • Plaintiff’s June 28 filing existed prior to judgment;
  - 24 • that filing was not processed or incorporated into the record before judgment;

25 The Court therefore entered judgment before Plaintiff’s submission had been  
26 incorporated into the record it reviewed.

27 **H. The Court Ruled Before Plaintiff’s Reply Deadline, Violating Due Process**

28 Plaintiff’s reply was not due until March 19, 2026.

1 The Court issued its ruling before that deadline, thereby adjudicating the motion  
2 without affording Plaintiff the opportunity to respond to Defendants' arguments.  
3 This deprived Plaintiff of the opportunity to correct Defendants' misstatements  
4 and resulted in a decision based on an incomplete and one-sided record.

5 **I. These Defects Render the Judgment Void Under Rule 60(b)(4)**

6 This is not a matter of harmless error or disputed interpretation.

7 The Court's own orders establish that:

- 8 • judgment was entered before the record was complete;  
9 • the Court relied on a pleading that does not exist;  
10 • the Court's description of the record is inconsistent with the certified docket;

11 A judgment entered on a record that was not before the Court is void.

12 **XIII. CONCLUSION**

13 This motion is properly before the Court under Federal Rule of Civil Procedure  
14 59(e), Local Rule 7-18, and the Court's inherent authority to reconsider its own  
15 orders. The March 16, 2026 directive that no further filings be accepted does not  
16 eliminate those independent procedural bases for reconsideration, particularly  
17 where the Court struck Plaintiff's Rule 60(b)(4) motion and the supporting filings  
18 that supplied the record, authority, and procedural history necessary to adjudicate  
19 whether the judgment is void.  
20

21 The procedural background is undisputed. Plaintiff filed his Rule 60(b)(4) motion  
22 on March 2, 2026. On March 16, 2026, the Court struck that motion, struck  
23 Plaintiff's related filings, and directed that no further filings be accepted. In doing  
24 so, the Court did not address the substance of the Rule 60(b)(4) motion at all.

25 That omission is critical because Rule 60(b)(4) raises a threshold question of  
26 validity, not a discretionary question of merits. A void judgment is a legal nullity  
27 and may be challenged at any time.

1 The record establishes multiple independent and reinforcing grounds requiring  
2 vacatur under Rule 60(b)(4).

3 First, the Court did not adjudicate the Rule 60(b)(4) issue presented. Instead, it  
4 struck the motion without determining whether the judgment is void. That failure  
5 alone warrants reconsideration because the dispositive legal issue before the  
6 Court was never decided.

7 Second, the Court’s March 16, 2026 Order prevented adjudication of the  
8 voidness issue by striking not only the Rule 60(b)(4) motion, but also the  
9 supporting filings that supplied the operative docket history, supplemental  
10 authority, prior record citations, federal referral events, and judicial  
11 disqualification issues. Those filings were not collateral. They were the pillars of  
12 the motion. Their removal deprived the Court of the very materials necessary to  
13 adjudicate voidness on a complete and accurate record.

14 Third, the August 22, 2022 Order is independently void. It is the operative  
15 judgment following remand, and it confirms that Plaintiff’s June 28, 2022 filing  
16 had not been processed before judgment was entered. At the same time, that  
17 order again states that the Court reviewed a “First Amended Complaint,” even  
18 though no First Amended Complaint was ever filed in this case. The certified  
19 docket confirms that no such pleading exists. Thus, the operative judgment rests  
20 on a record that did not exist and on a description of the pleadings that cannot be  
21 reconciled with the docket.

22 Fourth, the Court’s assertion of de novo review is incompatible with the actual  
23 record. A de novo review cannot include review of a pleading that does not exist  
24 on the docket, nor can it be reconciled with the Court’s own admission that  
25 Plaintiff’s June 28 filing had not yet been processed into the record before  
26 judgment was issued.  
27

1 Fifth, unresolved judicial disqualification issues under 28 U.S.C. § 455 remain  
2 structural defects in the proceedings. As set forth in Section V, the record reflects  
3 prior self-recusal and related recusals bearing directly on impartiality. Plaintiff's  
4 March 4, 2026 Notice of Supplemental Authority raising those issues was  
5 stricken, preventing adjudication of a threshold structural issue before the Court  
6 proceeded to maintain the judgment.

7 Sixth, the Court ruled on March 16, 2026 before Plaintiff's reply deadline of  
8 March 19, 2026, depriving Plaintiff of the opportunity to respond to Defendants'  
9 arguments and correct their mischaracterization of the Rule 60(b)(4) motion. The  
10 resulting order was therefore entered on an incomplete and one-sided record, in  
11 violation of due process.

12 Taken together, these defects establish a complete breakdown in the procedural  
13 framework required for a valid judgment. The Court acted on a record that did  
14 not exist, excluded material filings from consideration, proceeded without  
15 resolving structural disqualification issues, and failed to adjudicate the Rule  
16 60(b)(4) issue itself. Under controlling Supreme Court and Ninth Circuit  
17 authority, such a judgment is void ab initio.

18 Because a void judgment is a legal nullity, the Court has no discretion to leave it  
19 in place. Vacatur is mandatory.

20 Accordingly, Plaintiff respectfully requests that the Court:

21 grant reconsideration of the March 16, 2026 Order;

22 vacate the March 16, 2026 Order striking Plaintiff's Rule 60(b)(4) motion and  
23 related filings;

24 restore the stricken filings to the record;

25 adjudicate Plaintiff's Rule 60(b)(4) motion on a complete and accurate record  
26 under the correct legal standard;

1 address the judicial disqualification issue under 28 U.S.C. § 455 before any  
2 further substantive ruling;  
3 and vacate the June 29, 2022, July 18, 2022, and August 22, 2022 orders and  
4 judgments as void under Federal Rule of Civil Procedure 60(b)(4).  
5

6 Dated: March 17, 2026

Respectfully submitted,

7  
8 

9  
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**PROOF OF SERVICE;**

I, Mae Gordon, declare as follows:

1. I am employed in the City and County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My address is 1125 South Holt Avenue, Apt. 3, Los Angeles, California 90035.
2. On March 17, 2026, I served the following document:
3. Service was effected by electronic mail to the following recipients at the email addresses listed below: NOTICE OF MOTION AND MOTION FOR RECONSIDERATION OF THE COURT’S MARCH 16, 2026, ORDER (FED. R. CIV. P. 59(e); L.R. 7-18)

COURT COURTESY COPY TO THE HON. DOLLY M. GEE, CHIEF UNITED STATES DISTRICT JUDGE DEREK DAVIS  
DMG\_CHAMBERS@CACD.USCOURTS.GOV

COURT COURTESY COPY  
COURTROOM DEPUTY CLERK  
VANESSA FIGUEROA  
VANESSA\_FIGUEROA@CACD.USCOURTS.GOV

ATTORNEY GENERAL OF CALIFORNIA  
TODD GRABARSKY  
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[TODD.GRABARSKY@DOJ.CA.GOV](mailto:TODD.GRABARSKY@DOJ.CA.GOV)

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TELEPHONE: (415) 510-3584  
E-MAIL: [SAMUEL.SOKOLSKY@DOJ.CA.GOV](mailto:SAMUEL.SOKOLSKY@DOJ.CA.GOV)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON MARCH 17, 2026, AT LOS ANGELES, CALIFORNIA.

  
Mae Gordon

Pursuant to Fed. R. Civ. P. 5(b)(2)(E), counsel previously consented in writing to service by electronic mail.